

REMARKS

This response is intended as a full and complete response to the final Office Action mailed December 20, 2007. In the Office Action, the Examiner notes that claims 1-33 and 35-57 are pending of which claims 9-29 and 52-57 are withdrawn from consideration and claims 1-8, 30-33 and 35-51 are rejected. By this response, Applicants have amended claims 1 and 4. The Applicants thank the Examiner for noting that it was not the Applicants' intention to make the previously added limitation optional. Responsive to the Examiner, the Applicants herein amend the claims accordingly.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

35 U.S.C. §103 Rejection of Claims 1, 4-8, 30-32, 35, 38-40 and 45-51

The Examiner has rejected claims 1, 4-8, 30-32, 35, 38-40 and 45-51 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,547,829 to Meyerzon et al. (Meyerzon) in view of U.S. Patent Application Publication No. 2002/0099697 A1 to Jensen-Grey in further view of U.S. Patent Application Publication No. 2001/0037494 to Johansson.

Applicants' claim 1 recites:

1. A remote content crawler for use in a content search, packaging, and delivery system, comprising:
 - a remote content crawler processor that controls the remote content crawler;
 - a network resource processor that acquires data related to resources coupled to one or more communications networks;

a crawling criteria processor that acquires crawling criteria, said crawling criteria having a plurality of conditions;
a crawling criteria checker that determines if the acquired data meets said plurality of conditions of said crawling;
a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber obtains desired content via tuning a set top terminal to a television channel carrying said desired content; and
a network crawler, wherein the network crawler crawls content providers to acquire data related to available content in accordance with the crawling criteria.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). Meyerzon, Jensen-Grey and Johansson, alone or in combination, fail to teach or suggest Applicants' claim 1, as a whole.

In an exemplary embodiment, a crawling criteria checker module is used to determine if the contents of the hypertext files meet the conditions of the crawling criteria. (See Applicants' specification, p. 18, l. 22 – p. 19, l. 2). This eliminates unnecessary processing if the crawling criteria are not met. (See *Id.* at ll. 12-13). Moreover, the content may be made available on a specific channel of a cable television system. (See Applicants' specification, p. 6, ll. 7-8).

The Applicants respectfully submit that Meyerzon, Jensen-Grey and Johansson, alone or in any permissible combination, fail to teach or suggest at least a remote content crawler for use in a content search, packaging and delivery system, comprising a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber obtains desired content via tuning a set top terminal to a television channel carrying said desired content, as recited in claim 1. The Examiner concedes that Meyerzon and Jensen-Grey fail to teach this limitation. (See Office Action, §3). However, the Examiner asserts that Johansson bridges the gap left by Meyerzon and Jensen-Grey.

The Applicants respectfully submit that Johansson fails to bridge the gap left by Meyerzon and Jensen-Grey because Johansson also fails to teach or suggest a remote content crawler for use in a content search, packaging and delivery system, comprising a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber obtains desired content via tuning a set top terminal to a television channel carrying said desired content. Johansson teaches that a subscriber may log in and connect to the SI server over data network 10 (i.e. the Internet). (See Johansson, para. 0027). Based on a user profile, the SI server may transmit data relevant to the user's terminal over the data network 10. (See *Id.* at para. [0027] – [0030]). Alternatively, Johansson teaches that the SI server may “push” the information to the terminal in any IP channel, PPP, ADSL, cable modem, etc. (See *Id.* at par. [0031] and [0032]). Notably, no data is transmitted to the user's terminal via tuning a set top terminal to a television channel carrying said desired content.

The Examiner cites paragraphs [0019], [0020], [0023] and [0024] as allegedly teaching a remote content crawler for use in a content search, packaging and delivery system, comprising a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber obtains desired content via tuning a set top terminal to a television channel carrying said desired content. However, upon reviewing the cited paragraphs, the Applicants respectfully disagree.

Johansson teaches an overview of a digital communications system, wherein data in the system is used to provide information on how to tune to services and to display the information. (See Johansson, para. [0019]). In other words, the data is needed by the terminals so that the terminals will know how to connect to the various networks, such as data network 10, satellite network 40, cable channel network 50 and terrestrial network 60. The Applicants respectfully submit that paragraphs [0019] and [0020] do not teach or suggest that a subscriber is obtaining desired content via tuning a set top terminal to a television channel carrying said desired content.

Moreover, to gather the appropriate data and address the problem of needing data for a terminal to connect to one of the various networks, Johansson teaches the use of a SI server 70. The SI server 70 “tunes” into the different networks to perform an

automatic channel search and collect information of the respective networks 10, 40, 50 and 60. (See *Id.* at para. [0022] – [0023]). Notably, Johansson fails to teach or suggest that a user tunes the terminal to obtain any desired data, but rather that the SI server is simply gathering information from the various networks. Subsequently, the information collected by the SI server may then be forwarded to a user's terminal over the data network 10 as discussed above. (See Johansson, para. [0027] – [0032]). Therefore, even if Meyerzon, Jensen-Grey and Johansson were permissibly combined, the combination would still fail to teach or suggest a remote content crawler for use in a content search, packaging and delivery system, comprising a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber obtains desired content via tuning a set top terminal to a television channel carrying said desired content.

Thus, Meyerzon, Jensen-Grey and Johansson alone or in combination do not teach or suggest Applicants' invention as recited in claim 1 as a whole. As such, Applicants submit that independent claim 1 is patentable over Meyerzon, Jensen-Grey and Johansson under 35 U.S.C. §103. Independent claims 4 and 30 recite relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claims 4 and 30 also are patentable over Meyerzon, Jensen-Grey and Johansson under 35 U.S.C. §103. Furthermore, claims 5-8, 31-32, 35, 38-40 and 45-51 depend directly or indirectly from independent claims 4 and 30, while adding additional elements. Therefore, these dependent claims also are patentable over Meyerzon, Jensen-Grey and Johansson for at least the same reasons discussed above in regards to independent claims 1, 4 and 30. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 2-3

The Examiner has rejected claims 2-3 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Jensen-Grey in further view of Johansson as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, in further view of U.S. Patent Application Publication No. 2002/0032740 A1 to Stern et al. (Stern). Applicants

respectfully traverse the rejection.

Claims 2-3 depend from independent claim 1 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Meyerzon, Jensen-Grey and Johansson references fail to teach or suggest Applicants' invention as recited in claim 1. Accordingly, any attempted combination of the Meyerzon, Jensen-Grey and Johansson references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 2-3 are patentable under 35 U.S.C. §103 over Meyerzon, Jensen-Grey and Johansson and in further view of Stern. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 33

The Examiner has rejected claim 33 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Jensen-Grey in further view of Johansson as applied to claims 1, 48-8, 30-32, 35, 38-40, and 45-51 above, and in further view of Applicants' admitted prior art. Applicants respectfully traverse the rejection.

Claim 33 depends from independent claim 30 and recites additional limitations thereof. Moreover, for at least the reasons discussed above, the Meyerzon, Jensen-Grey and Johansson references fail to teach or suggest Applicants' invention as recited in claim 30. Accordingly, any attempted combination of the Meyerzon, Jensen-Grey and Johansson references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 33 is patentable under 35 U.S.C. §103 over Meyerzon, Jensen-Grey and Johansson and in further view of Applicants' admitted prior art. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 36-37

The Examiner has rejected claims 36-37 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Jensen-Grey in further view of Johansson as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of U.S. Patent Application Publication No. 2002/0010682 A1 to Johnson (Johnson). Applicants respectfully traverse the rejection.

Claims 36-37 depend from independent claim 30 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Meyerzon, Jensen-Grey and Johansson references fail to teach or suggest Applicants' invention as recited in claim 30. Accordingly, any attempted combination of the Meyerzon, Jensen-Grey and Johansson references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 36-37 are patentable under 35 U.S.C. §103 over Meyerzon, Jensen-Grey and Johansson and in further view of Johnson. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 41-44

The Examiner has rejected claims 41-44 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Jensen-Grey in further view of Johansson as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of U.S. Patent No. 6,751,612 B1 to Schuetze et al. (Schuetze). Applicants respectfully traverse the rejection.

Claims 41-44 depend from independent claim 30 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Meyerzon, Jensen-Grey and Johansson references fail to teach or suggest Applicants' invention as recited in claim 30. Accordingly, any attempted combination of the Meyerzon, Jensen-Grey and Johansson references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 36-37 are patentable under 35 U.S.C. §103 over Meyerzon, Jensen-Grey and Johansson and in

further view of Schuetze. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.


CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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